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Tom McDonald
CEO – BeSafe Technologies Inc.

February 22, 2008

Ex Parte

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: WC Docket No. 07-52

Dear Ms. Dortch:

I compliment the Commission on its continued support for a contemplative approach to broadband policy. While Washington may be the home of the most heated broadband rhetoric on the planet, it is no exaggeration to say that in Massachusetts, healthy, well-managed, high-capacity broadband networks are a matter of life and death.

As the CEO of BeSafe Technologies, Inc., I make this claim with authority. For this reason, I strongly caution the Commission against the adoption of rules – or even the initiation of a rulemaking proceeding – that would limit a network providers ability to manage peak traffic. Such a policy would be in direct contrast to ensuring high levels of quality service for broadband consumers.

BeSafe uses state-of-the-art broadband technology to deliver critical information instantly to first responders via their laptop computers as they approach and while on the scene of an emergency. This information may include, but is not limited to, contact information, building floor plans, aerial photographs, digital photos, live video feeds, numbered doors, utility shut offs, the location and inventory of hazardous materials and more. We target our services to schools (K-12), higher education, housing, corporate and government facilities. BeSafe is dedicated to using broadband technology to provide first responders and other corporate and public sector leaders with the vital building information they need to ensure the safety of students, staff, employees and customers in the event of an emergency. First responders rely on our tools and the public enjoys increased security as a result.

I am not an expert on administrative law, economics or regulation. My first career was in education as a teacher, principal and administrator. But, I can offer you the following commonsense admonition: Don't mess with what works. The firms that have invested billions of dollars into networks in order to provide a service to consumers for a relatively low monthly cost have a tremendous incentive to make sure that Internet traffic is reliable and meets the high demands of their consumers. They invest continually and seek ways to improve the consumer experience of their offerings because consumers have choices. By contrast, Commission rules designed to appease a minority of regulatory radicals degrade the Internet for everyone – including the first responders who rely on BeSafe.

Cueing and other logical tools to optimize network traffic are completely consistent with the Commission's Internet Policy Statement. Active management enriches the subscriber's broadband experience by improving network quality, reliability and availability. The record in the aforementioned proceeding amply demonstrates the risks presented by bad actors who utilize broadband networks to spread spam, viruses and oftentimes even more harmful attacks. To restrict network management tools for the private sector is to enable the worst elements of the online community while creating what may prove to be an overwhelming obstacle to public safety applications such as those offered by BeSafe.

At BeSafe, we rely on high quality of service levels. Likewise, anyone served by emergency first responders including school children, the sick and elderly. New regulations from the Commission would create obstacles to providers' ability to respond to new challenges – reliability, security, and peak load strains on the network – presented by evolving usage patterns on the Internet.

Furthermore, network management must evolve and adapt to an "always on" Internet. This is not a description of government regulations which tend to be rigid, costly, and slow to change. At this point, the petition for a rulemaking is a solution in search of a problem. I have described why the suggested solution is no solution at all. But, it should also be clearly stated that the problem is hard to identify. Despite the frenzy of media reports on this issue, no one appears to report that the marketplace both identified and corrected the perceived problem of traffic blocking for BitTorrent users. Indeed, BitTorrent's chief technology officer Eric Klinker recently noted that he believes "the innovative solution….is simply better congestion control."

Broadband providers have always managed their networks to protect the security and integrity of their networks as well as protect their subscribers. For example, ISPs routinely identify and stop security threats, such as viruses, spyware, botnets, and zombie computers. Broadband providers measure, partition and monitor the speed of service to make sure it is aligned with the service offering the consumer has purchased. I would wager that the network administrators at the Commission employ tools to discourage spam and to direct high end applications to certain "channels" or times of day in order to maintain capacity for all users.

In my line of work, rhetoric and appearances do not count for much. At the end of the day, results matter and we are measured by lives saved, risks ameliorated and the quantity and quality of information presented in extremely stressful situations. Network traffic management is essential; without it the market for my products would not exist. Therefore, maximum flexibility to adapt, in real-time, to the dynamic conditions of the Internet must be a priority for the Commission and private actors in a competitive market are best suited to provide what America needs.

Respectfully,

Tom McDonald
CEO
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Hyannis, Massachusetts

CC: Chairman Kevin J. Martin
        Commissioner Jonathan S. Adelstein
        Commissioner Michael J. Copps
        Commissioner Robert M. McDowell
        Commissioner Deborah Taylor Tate